



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

October 28, 2009

Ms. Lois DeMarco
USDA-Forest Service
Supervisor's Office
4 Farm Colony Drive
Warren, PA 16365

Re: Draft Supplemental Environmental Impact Statement to Accompany the Proposed Land and Resource Management Plan and Final Environmental Impact Statement, Allegheny National Forest, Elk, Forest, McKean, and Warren Counties, PA July 2009 CEQ #20090259

Dear Ms. DeMarco:

In accordance with the National Environmental Policy Act (NEPA), and Section 309 of the Clean Air Act, the United States Environmental Protection Agency (EPA) has reviewed the Draft Supplemental Environmental Impact Statement (SDEIS) for the above referenced project. Based on our review of the SDEIS, EPA has rated the environmental impacts of the preferred alternative as "EC" (Environmental Concerns) and the adequacy of the impact statement as a "2" (Insufficient Information). A copy of EPA's rating system is enclosed for your reference. The basis for this rating is contained in the remainder of this letter and in the attached detailed comments.

Project Background:

EPA reviewed the 2006 DEIS prepared on the draft Land and Resource Management Plan update, and rated the document EC2. EPA also reviewed the 2007 FEIS. In our comments on the FEIS, we stated that we continued to have environmental concerns with the potential for adverse impacts from oil and gas development (OGD) to water quality and wildlife resources. We encourage the Forest Service to continue to work closely with the permitting agencies and state environmental agencies as they process drilling permits to minimize impacts to water quality, especially from road construction, disturbance and fragmentation of habitat and implement project monitoring. We would expect that the site specific NEPA analyses contained in the Transition EIS will be more detailed and address cumulative impacts from private OGD forest-wide.

The 2007 Forest Plan was administratively appealed, resulting in this SDEIS. The purpose of the SDEIS is to address the Chief of the Forest Services instructions to provide public notice and comment on the application of Standards and Guidelines (S & G) to private oil and



gas development, and to make appropriate changes to the 2800 (Minerals and Geology) Section of the Forest Plan. The Chief also instructed the Regional Forester to clarify the ANF's authority to manage oil and gas activities and to more fully document the cumulative effects of private oil and gas development on air quality.

Proposed Alternatives:

The proposed action is to apply the design criteria found on pages 53-168 of the 2007 Forest Plan and in Appendix B of the SDEIS to private oil and gas development. The SDEIS evaluates four alternatives:

Alternative 1- No Action- is the continuation of current management direction pertaining to private oil and gas development (i.e., the 1986 Forest Plan).

Alternative 2- Proposed Action- is the management direction contained in the 2007 Forest Plan.

Alternative 3 –Preferred Alternative (Environmentally Preferred Alternative) - includes only those S & Gs specific to private oil and gas development.

Alternative 4- includes only those S & Gs specific to private oil and gas development. S & Gs are modified in response to issues regarding water quality and reclamation.

General Comments:

The document contains a good deal of useful information and presents in the Summary and Chapter 1 (Purpose and Need for Action) an explanation of why the document is being prepared and what decision it is expected to help inform. It incorporates by reference much of the information from the 2007 EIS, and combines the discussion of Environmental Consequences with Affected Environment. It also discusses cumulative impacts from a resource perspective, and does a good job of explaining the underlying purpose and need, the Chief Forester's instructions and what is included and not included in the scope of analysis. While it appears that the Preferred Alternative 3 is the most protective for forest resources, it is difficult for a casual reader to follow and understand how the alternatives were derived, how they relate to the purpose and need, and what criteria is used to distinguish one from another and to evaluate their respective merits and environmental impacts.

Part of the confusion lies in the attempt to apply "issues" which were apparently distilled from among the public comments submitted during the scoping phase to compare and evaluate alternatives. This leads to presentation of a Summary Table 2-1 which attempts to compare the alternatives according to how they meet certain indicator measures associated with these issues. But there are many other "issues", including environmental and socioeconomic, which should be considered in evaluating and comparing the alternatives. According to Table 2-1, there is no difference among Alternatives 2 and 3 in terms of the measures presented. There is no other discussion in Chapter 2 or the Summary of why Alternative 3 is considered the Preferred and Environmentally Preferred Alternative. Some general narrative description of what the alternative S & Gs include (and do not include) would be helpful as part of an introduction to Chapter 2.

According to the SDEIS, approximately 93 percent of the minerals underneath the ANF are privately owned. There is a potential for 14,560 acres of additional land clearing related to pvt OGD to occur by 2020 (Draft SEIS Appendix C, Table C-6). Additional roads associated



with this development could add 2,800 miles of pvt OGD roads within the proclaimed boundary. We believe this may cause significant adverse impacts to environmental resources within the ANF. It is not clear that application of the S & G's under any of the alternatives has demonstrated the ability to adequately mitigate these impacts. There should be further analysis and discussion in the Final EIS to demonstrate that the preferred set of S & G's will adequately avoid, minimize and/or mitigate any adverse environmental impacts. This should include a discussion of how the waste water associated with private OGD will be handled. An adaptive management plan should be considered to deal with the various issues associated with these activities.

Considering that a more comprehensive air quality analysis was one of the Chief Forester's three instructions, it is surprising that the DSEIS does not address the need for air quality impact assessments. The information presented is not adequate to provide an estimate of the emissions that would be expected over the next 15 years. The FS should perform, or arrange for the performance of, air quality modeling for those pollutants that are emitted from all aspects of private OGD, as well as the cumulative impacts that will result from other anticipated projects and activities. An example of this type of analysis can be found in Chapter 6 of a recent Draft EIS done by the State of New York entitled: Draft Supplemental Generic Environmental Impact Statement on the Oil, Gas and Solution Mining Regulatory Program. The NY DGEIS was developed to examine impacts from that same oil and gas production activities that are being proposed in the ANF. The type of pollutants considered and the models used would be an appropriate starting point for the ANF to investigate and develop an adequate air quality assessment.

The SDEIS provides a discussion of impacts from O & G activities and touches on potential impacts associated with Marcellus shale exploration under Alternative 3. It appears that the Preferred Alternative 3 attempts to balance many of the issues associated with private oil and gas development. However, based on our review, we would recommend providing additional explanation of how the alternatives differ from each other, and why Alternative 3 represents the environmentally preferred alternative.

Thank you for the opportunity to offer these comments. If you have any questions, please contact Barbara Okorn at (215) 814-3330.

Sincerely,



Barbara Rudnick
NEPA Team Leader

Attachments (2)



Attachment A – Detailed Comments

Allegheny National Forest Supplemental Draft EIS on 2007 Land and Resource Management Plan

Specific Comments:

- The SDEIS should clearly state that these S &Gs will be used in the Transition EIS and more clearly explain the relationship between the two documents.
- Page 2-1 states that S &Gs related to well pad construction are removed from Alternative 3. It is unclear why they would be removed since this is part of a pvt OGD activity.
- Table 2-1 indicates that 516,843 acres of the ANF will require successful revegetation within 60 days of the growing season for Alternatives 2 and 3. But the entire Forest is only 513,325 acres, so does this figure apply to areas outside of the proclamation boundary?
- The SDEIS provides a lot of information about aquatic habitat buffers and impacts (e.g., pages 3-7 and 3-8). Given this data, it is unclear why the S &Gs in the alternatives are much narrower (less protective) than would be suggested by this discussion.
- Page 3-9 mentions that the Commonwealth of Pennsylvania has requirements for casing of wells and plugging of wells to prevent groundwater contamination. It is unclear what these are, and whether they apply to pvt OGD.
- How much of the study area (ANF) uses ground water as a drinking water source?
- How much of the study area (ANF) uses surface water as a drinking water source?
- Starting on page 3-33, the SDEIS discusses buffers to protect various species and wetlands. Given this information it is unclear why the buffer sizes were chosen in the various alternatives.
- Page 3-31 states that “Alternative 3 has a similar S &G, but does not contain wording uses related to navigation, migration, and flood flows”. This should be explained.
- Page 3-43 under “Aquatic Species” states that there is notification of either the USFWS or Forest Service when a federally threatened or endangered species, or a candidate species, is found within an active or proposed pvt OGD. We recommend that coordination with the USFWS occur to address all potential threatened and endangered species issues in the Forest and to address changes in the list.
- Page 3-43 also states that if impacts to species identified by ANF and includes Regional Forester Sensitive Species cannot be avoided, management changes will be evaluated. This should be discussed further. What species are included and what management changes would be evaluated.
- Page 3-34 and any other section dealing with water quality should consider any waste products from pvt OGD and Marcellus operations that may be ultimately discharged to surface water, stored, processed at off site wastewater facilities or injected into the ground.
- Page 3-51 this section describes adverse impacts to goshawks. We recommend that adaptive management strategies be developed for any species of concern that may be impacted so changes can be made if necessary.



- Section 3.5.1 under Chapter 5 includes a subheading entitled “*Unavoidable Adverse Effects and Mitigation*”. However, there is no specific discussion of mitigation within the text, only a reference to certain unavoidable effects and the S & Gs. Is the reader to assume that the S & G’s (depending on the alternative selected) are the mitigation?
- We recommend that the Executive Order for Invasive Species be followed. There should be a plan to address any invasive species and remediate if necessary.
- Environmental Justice and the requirements of Executive Order 12898 are not discussed.
- It is unclear how the S & Gs will be implemented. Who makes decisions? Who monitors? Who enforces?
- The presentation of alternatives in Appendix B provides detailed information in terms of S & Gs, but little descriptive narrative about what each alternative includes, and how the alternatives differ. There are 89 pages of detail for Alternative 2 (proposed action), but only 9 pages for Alternative 1, 12 pages for Alternative 3 and 6 pages for Alternative 4. We assume this is because of the nature of the alternatives (e.g., Alt. 2 includes all S & Gs), but the Appendix should include a brief narrative discussion to explain the basic features of each alternative and their differences.
- Page B-102-information should be provided to describe the basis for the buffer distances specified in the document.
- Page B-102- states that roads and oil and gas facilities should be designed and constructed so surface runoff is directed into effective filtering areas and not into streams. It should be specified that run off should not be discharged in to any aquatic habitat (including wetlands, vernal pools, etc)
- Page B-103- culvert should be designed to maintain use of the waterway. This includes natural bottoms and allowing for passage of fish, herpetiles, and upland species where appropriate.
- Page B-104- A discussion of wetland permits and avoidance, minimization, and mitigation should be included. Mitigation for other impacts to the environment should also be included.
- Page B-106- coordination with the US FWS should occur for all threatened and endangered species.
- Page B-111- “Forest Service approved methods of disposal of drilling byproducts” should be clarified. Byproducts should also not be disposed of in the aquatic environment.
- The fourth bullet on page B-114 should be clarified. It states “...removing road surfacing (if salvageable)”. All road material should be removed and properly disposed.
- It is unclear if spraying for dust suppression or snow/ice control occurs on any roads in the ANF. Wastewater from pvt OGD and Marcellus operations should not be used.



